



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

2 Selvie Hemison Mitchell (CONS/PE) Case No. 12CEPR00172

Attorney Johnson, Summer A. (for Petitioners Kate Singh and Hubert Mitchell, Co-Conservators of the Person)

Attorney Wilkinson, Robert D. (for Petitioner Bruce D. Bickel, Conservator of the Estate)

Probate Status Hearing re: Filing of the Third Account.

	KATE A. SINGH , niece, and HUBERT MITCHELL , brother, Co-Conservators of the Person, and BRUCE BICKEL , Conservator of the Estate, were appointed on 03/29/2012.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 08/31/2015: Ms. Johnson is also appearing specially for Bruce Bickel. Matter continued for the filing of the accounting. If the accounting is filed two days before the next hearing, the matter will be taken off calendar and no appearance will be necessary. 1. Need Third Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from 083115	Order on Petition for Approval of Second Account and Report of Conservator of the Estate filed 12/02/2014. Minute Order of 12/02/2014 set this Status Hearing for the filing of the Third Account. Declaration of Summer A. Johnson re Status of Filing Third Account and Report filed 08/28/2015 states following the approval of the Second Account and Report (covering the period March 1, 2013 through June 30, 2014) on December 02, 2014, the Court set a status hearing date of August 31, 2015 for the filing of the Third Account and Report. Ms. Johnson states her office erroneously calendared the Status Hearing as a Status Hearing re: Report of Sale and Petition for Order Confirming Sale of Real Property. As a result, it was mistakenly misunderstood that the Third Account and Report would not be due until approximately June of 2016. If the Court desires the Third Account and Report which will cover the approximate one year period from July 1, 2014 through August 31, 2015, it is respectfully requested that a continuance be granted of approximately (60) days to complete and file the accounting.	
Aff.Sub.Wit.		Reviewed by: LV
Verified		Reviewed on: 10/16/2015
Inventory		Updates:
PTC		Recommendation:
Not.Cred.		File 2 – Mitchell
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Status Hearing Re: the Establishment of a Guardianship in Oregon

Nathaniel, 13	TALINA HURLEY , maternal grandmother, was appointed Guardian of the minors on 11/19/12	NEEDS/PROBLEMS/COMMENTS:
Scarlet, 10		
	On 05/27/14, Guardian's Petition to Fix Residence Outside the State of California was granted.	<p>CONTINUED FROM 08/31/15 Minute Order from 08/31/15 states: Counsel reports that they are making progress, and the matter has been sent to Juvenile Court as to one of the children. Counsel requests a continuance. Matter is continued to 10/26/15, if necessary paperwork regarding the establishment of a guardianship in Oregon is on file before the next hearing, no appearance will be necessary.</p> <p>As of 10/16/15, nothing further has been filed in this matter.</p> <p>Copy of document titled Acceptance of Appointment as Fiduciary filed 08/03/15 states that Talina Hurley was appointed Guardian on 07/30/15 and that she accepts the appointment and willingly subjects herself to the jurisdiction of the Oregon Court.</p> <p>1. Need order appointing Guardian in Oregon. According to document filed 08/03/15, appointment as guardian was ordered on 07/30/15.</p>
Cont. from 012615, 030915, 060115, 062915, 080315, 083115	On 06/24/14, Debra Swenson, paternal grandmother, filed an Ex Parte Application for Temporary Restraining Order Preventing Guardian from Fixing Residence of Minors Outside of California and an Order Shortening Time on Petition to Terminate Order Fixing Minors Residence Outside of California . The Ex Parte Application was granted on 06/24/14 and set a hearing for 07/10/14.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	At the 07/10/14 hearing, the matter was set for a court trial on 07/24/14.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	At the Court trial on 07/24/14, the Court found that there was no detriment in allowing the children to move to Oregon and set this matter for a Status Hearing regarding the Establishment of a Guardianship in Oregon.	
Conf. Screen		
Letters		
Duties/Supp		
Objections	Cover Sheet for Oregon Petition for Appointment of Guardian and Attached Documents filed 02/17/15 attaches a copy of a Petition for Appointment of Guardian in Washington County, Oregon.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting	Status Report filed 08/26/15 states: since the last hearing, the latest document filed in the Oregon proceeding is a General Judgment Transferring Guardianship Proceeding to Juvenile Court filed 08/07/15. <i>Copy of Document attached.</i>	
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 10/16/15
		Updates:
		Recommendation:
		File 3- Swenson

Petitioner

Delgadillo, Yoana Alvarez (Pro Per – Mother – Petitioner)

Guardian

Soto, Leonarda (Pro Per – Paternal Grandmother – Guardian)

Petition for Termination of Guardianship

See petition for details.			NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Petitioner resides in Elkin, North Carolina. 1. Need proof of service of Notice of Hearing on all relatives pursuant to Probate Code §1460(b)(5).
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Verified	<input type="checkbox"/>	
<input type="checkbox"/>	Inventory	<input type="checkbox"/>	
<input type="checkbox"/>	PTC	<input type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>	
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>	
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>	
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>	
<input type="checkbox"/>	Letters	<input type="checkbox"/>	
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/>	Objections	<input type="checkbox"/>	
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>	
<input type="checkbox"/>	9202	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: skc
			Reviewed on: 10/16/15
			Updates: 10/20/15
			Recommendation:
			File 4 – Soto

First and Final Report of Administrator on Waiver of Account and Petition for Settlement Thereof; for Waiver of Administrator's Compensation for Ordinary Services; for Allowance of Attorney's Fees for Ordinary Services and for Final Distribution

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		<u>CONTINUED TO 11/11/15</u> Per attorney request
		Reviewed by: skc
		Reviewed on: 10/16/15
		Updates:
		Recommendation:
		File 5 - Nichols

Petitioner Bess, Jezell (Pro Per – Mother – Petitioner)
Guardian Bess, Courtney Lynn (Pro Per – Maternal Aunt – Guardian of Jasean)
Guardian Robinson, Breshia (Pro Per – Maternal Great-Aunt – Guardian of Jashaya)

Petition for Visitation

See petition for details.			NEEDS/PROBLEMS/COMMENTS:
			1. The proof of service attached to the Notice of Hearing indicates personal service on the two guardians, but is incomplete and does not state name and information of the person who completed the service. The Court may require clarification or an amended proof of service.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 10/16/15
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 6 – Bess/Sumlin

7 Willie Mae Pizzio (Estate) Case No. 15CEPR00107**Attorney Kruthers, Heather H (for Public Administrator)****Petition for Instruction and Authorization Regarding Sale of Real Property Belonging to the Estate**

DOD: 10/01/2014	PUBLIC ADMINISTRATOR , is petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 09/28/2015: Written objections are to be filed and properly served to the required parties no later than 10/13/2015, with any reply being due by 10/19/2015. As of 10/16/2015 no written objections have been filed. 1. It appears that Petitioner should have used the Mandatory Judicial Council Form DE-260 for Report of Sale and Petition for Order to Confirm Sale of Real Property and follow the required process pursuant to Probate Code section 10300 et seq. confirming sale of real property, including publication and reappraisal.
	Property: 109 W. Eden Fresno, Ca.	
	Petition states: the Public Administrator was appointed successor administrator of this estate by minute order on 04/13/2015. The Public Administrator had the property appraised by the Court appointed referee and the appraisal was filed 05/13/2015. The value given to the real property was \$45,000.00 as of the date of death on 10/01/2014. The probate referee was informed that the condition of both the exterior and interior is poor. In addition, the roof leaks. He was also furnished with both interior and exterior photos of the residence.	
Cont. from 092815	The Public Administrator found a buyer for the property and a Notice of Proposed Action was filed on 06/03/2015. Two written objections were filed to the sale. The objectors were Linda Graves and Clifford Randolph. Linda Graves' attorney informed County Counsel that Linda Graves objected to the buyer being one of the real property agents involved in the sale. Clifford Randolph informed County Counsel that he felt the price was too low and the family did not want to sell the property. When the Public Administrator spoke with Steven Randolph, he stated that he also felt the price was too low and that it should be \$70,000.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	The Public Administrator has obtained new buyers, Joaquin Reyes and Elvia Hernandez, who wish to buy the real property as joint tenants. Their offer is \$45,000, and they have made a deposit of \$1,000.	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation	The sale of the subject real property is necessary in order to pay the costs of administration and to pay fees. It was the Public Administrator's plan to sell the property, pay the fees and costs, and to distribute the residual proceeds to the heirs.	
<input type="checkbox"/> FTB Notice	Wherefore, petitioner pays: 1. The Court authorize the petitioner to sell the real property over the heirs' objections; and 2. For such other orders as the court may deem proper.	

Reviewed by: LV
Reviewed on: 10/16/2015
Updates:
Recommendation:
File 7 – Pizzio

First and Final Report of Executor, Petition for Final Distribution on Waiver of Accounting

DOD: 5/10/08		HAZEL E. OLSEN , Daughter and Executor with Full IAEA without bond, is Petitioner. Accounting is waived I&A: \$218,000.00 POH: \$218,000.00 (real property consisting of two duplexes located in Biggs, Butte County, CA) Executor waives statutory compensation. Distribution pursuant to intestate succession: Hazel E. Olsen: A 50% interest in the real property Curtis White: A 50% interest in the real property	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing and proof of service of Notice of Hearing on Curtis White at least 15 days prior to the hearing per Probate Code §1220. <u>Note:</u> Mr. White signed a waiver of accounting, but did not waive notice. 2. Need consent of Curtis White to receipt of the real property in undivided interests pursuant to Local Rule 7.12.4. 3. Need order. See Local Rules 7.1.1.F and 7.6.1.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	4/29/15	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: skc
Reviewed on: 10/16/15
Updates:
Recommendation:
File 8 - Meeks

9 In Re: The Ostergaard Family Trust**Case No. 15CEPR00449****Attorney: Michael M. Buettner (for Petitioner Michael Mehling)****Attorney: C. Russell Georgeson (co-counsel for Michael Mehling)****Attorney: Mark E. Chielpegian (for Respondent Karlene L. Stefani)****Petition Instructing the Trustee**

		MICHAEL MEHLING , Successor Trustee of the Ostergaard Family Trust, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states on 3/13/03, CARL E. OSTERGAARD and LAVERNA F. OSTERGAARD , husband and wife, as settlors, executed an inter vivos trust known as THE OSTERGAARD FAMILY TRUST (the "Trust").	Continued from 9/14/15. Minute order states Counsel reports that meaningful discussions toward settlement have been occurring and progress is being made; requests 30-45 days for additional talks. If an agreement is not reached by 10/26/15, counsel will be ready to set a trial date. As of 10/19/15 no additional documents have been filed.
Cont. from 061615, 072715, 091415			
	Aff.Sub.Wit.	On 11/19/12, Settlers executed a First Amendment to The Ostergaard Family Trust.	
✓	Verified		
	Inventory	Carl Ostergaard died on 3/26/13 and Laverna became the sole trustee of the trust. On 1/15/14, Laverna's physician William O.Owens, M.D., signed a letter indicating that Laverna was unable to make decisions to care for her financial affairs or for personal care. Shortly thereafter, Petitioner, who is Laverna's nephew, became the trustee of the Trust.	
	PTC		
	Not.Cred.	Laverna died on 9/18/14.	
✓	Notice of Hrg		
✓	Aff.Mail	From the time Petitioner took over as trustee, KARLENE L. STEFANI , one of the settlor's daughters, challenged virtually every action taken by Petitioner as trustee, sent multiple letters to Petitioner with pages upon pages of demands for information and demands that Petitioner take certain actions, most of which were unwarranted. Most of the letters included threats of litigation in the event that the demands were unmet.	
	Aff.Pub.		
	Sp.Ntc.	Please see additional page	
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/19/15
			Updates:
			Recommendation:
			File 9 - Ostergarrd

KARLENE L. STEFANI and some of her children treated Laverna's assets and real estate as if the assets belonged to them. Karlene's son, **DRAKE STEFANI** moved into Laverna's residence in late 2013 with his girlfriend and infant child, did not maintain the property, and allowed filth and trash to accumulate while Laverna was in the hospital. Petitioner was required in March 2013 (sic) to file an unlawful detainer action against Drake because Laverna was ready to return home. Drake refused to leave claiming the untenable position that because he was a contingent beneficiary of the trust, that he was entitled to current occupancy of the property. Drake's actions in maintaining possession of the property were supported by his parents, including his mother Karlene Stefani.

During the time immediately after Petitioner took over as trustee and continuing more or less until the present time, Settlor's two children, **KARLENE L. STEFANI** and **LINDA K. OSTERGAARD** were engaged in almost continual conflict and fighting over who would be permitted to live in Laverna's residence, who would receive which personal property, and multiple other issues. Petitioner states he was required to be involved as referee to resolve literally dozens of conflicts.

Upon the death of Laverna, the First Amendment to the trust provided that all personal items were to be divided equally between Settlor's two children, **KARLENE L. STEFANI** and **LINDA K. OSTERGAARD**. The remaining balance of the trust estate was to be distributed 25% in trust for **KARLENE L. STEFANI**, 50% in trust for **LINDA K. OSTERGAARD**, and 25% in trust for the children of **KARLENE L. STEFANI**, whose names are **DRAKE STEFANI**, **DARIEN STEFANI** and **BRIEANN STEFANI**, all of whom are adults. The trust provide that the assets were to be held in trust and distributed ratably over five years with distributions on each of the anniversary dates of Laverna's death.

The assets of the trust consists of real property comprising a family compound with several houses including Settlor's residence on five contiguous lots located at the corner of Brawley and Whitesbridge in Fresno. The five parcels were valued at \$455,000.00. The trust also includes bank accounts valued at \$250,000.00 and an IRA with a balance of approximately \$580,000.00 which is payable to the trust.

Attorney Michael M. Buettner drafted the original trust and the first amendment thereto and had a number of conversations with the settlors regarding their intent over the years. Carl and Laverna told Mr. Buettner that they did not want either of their children to be successor trustee of the trust because they did not trust them with money. They expressed disappointment that their children were not and had never been self-sufficient, and had constantly depended on Carl and Laverna for financial assistance. They expressed desire that the assets be distributed over five years so that they would not be able to squander it all at once. Attorney Michael Buettner asked settlors whether it would be acceptable for the trustee to sell the real property after they both died, or whether, alternatively, they wanted the real property held for the benefit of the family. They responded that the believed it would be helpful to sell the property to provide cash to support the children and grandchildren and that it was not necessary to retain the real property upon their passing.

Please see additional page

Petitioner has made it clear to all the beneficiaries from the time of Laverna's death that his intent has been to sell the real property.

On 3/16/15, the beneficiaries of the trust sent notice to the Petitioner and his attorney indicating that the beneficiaries objected to the sale of the real property and demanded to have it distributed to them, presumably in undivided interests, so that they could set up a "limited liability corporation" (sic), owed by the beneficiaries of the trust.

Petitioner's attorney responded objecting to the proposal to distribute the property on the basis that: (1) the assets are to be distributed over five years and the trustee cannot distribute all of the property to the beneficiaries because it would violate the terms of the trust (2) that distributing property to the beneficiaries in undivided interests would be inadvisable because the beneficiaries did not get along, and (3) distributing the property in undivided interests would inevitably result in the trustee retaining interests in the property pending final distribution, and that owning the property jointly with these beneficiaries would subject the trustee to too much liability.

Petitioner alleges that **DARIEN STEFANI**, one of the Settlor's grandsons, procured an audio recording of a conversation he allegedly had with Laverna shortly before the time of her death (and during the time when she was unable to care for her own financial affairs or personal care, as expressed by her physician), during which conversation Laverna allegedly expressed her desire that the real property be retained by the family, not sold. Petitioner alleges that if Laverna made such statements, they were the result of coercion and undue influence on the part of Karlene Stefani and her children.

On 4/8/15, **KATHY OSTERGAARD** (settlor's daughter, called Linda K. Ostergaard in the trust) signed a statement which provides in part, the following: "The complaint of March 16, 2015 re: Proposed Real Estate actions by the Trustee by all of the mentioned beneficiaries, was and is not my desire or intention. I was wrongly pressured into signing this agreement."

Petitioner believes that it would be advisable to sell the real property given the terms of the trust, the expressed wishes of Carl and Laverna, the conflicts among the beneficiaries, and the equivocation of **LINDA K. OSTERGAARD** regarding her wishes.

Wherefore, Petitioner prays for an Order:

1. Authorizing and directing Petitioner as Trustee to list the properties described in Exhibit "I" of the petition for sale with a broker selected by Petitioner, sell the properties for a price upon terms which the Trustee deems to be in the best interest of the trust and the beneficiaries which is consistent with Petitioner's fiduciary duties.

Please see additional page

Opposition to Petition Instructing Trustee; and Request for Continuance Pending Further Discovery filed by Karlene L. Stefani on 7/24/15. Respondent states although the Trustee has a fiduciary duty to act in good faith and deal impartially with the beneficiaries of the trust, the Petition is littered with Petitioner's unsubstantiated accusations and irrelevant attacks on the beneficiaries. Such attack and combative tone throughout the Petition are indicative as to how the Trustee has interacted with the beneficiaries or the Trust.

Respondent does not believe that the Trustee is seeking to sell the real property based on the best interests of the beneficiaries of the Trust. Rather, such action is symptomatic of the Trustee's conduct to exert his will over and run roughshod over the beneficiaries.

Respondent and her children desire to retain the real property that has long been in Respondent's family and to maintain such property for future generations; therefore, Respondent objects to the proposed sale. Moreover, the sale of the real property will incur unnecessary expenses that will deplete the value of the trust estate (i.e., real estate commissions and closing costs).

The terms of the Trust do not compel the sale of the real property. Rather, the Trust simply gives the Trustee discretion to sell. The discretion to sell, however, must be exercised reasonably and in the best interests of the beneficiaries. None of the Petitioner's unsubstantiated claims evidence a need to sell the real property or establish that such sale is even reasonable.

Given the unsubstantiated and conclusory claims made by Petitioner, it is necessary for Respondent for Respondent to investigate the veracity of such claims in order to appropriately respond. Therefore, Respondent respectfully requests a brief continuance in order to complete her discovery and investigation into the various allegations and claims made by Petitioner as to the purported need for the sale of the real property as alleged by Trustee. Thus, Respondent expressly reserves her right, at this time, to demand an evidentiary hearing pending the completion of her factual investigator and filing of an opposition based thereon.

Wherefore, Respondent respectfully requests this Court to order that:

1. The Petition to be continued to afford Respondent an opportunity to complete her investigation into the conduct of the Trustee and various representations made in the Petition, and to file an opposition to the Petition based thereon.

Probate Status Hearing RE: Proof of Bond

	<p>KENNETH A. KEARNS was appointed Conservator of the Person and Estate on 9/24/15 with bond of \$95,415.10.</p> <p>At the hearing on 9/24/15, the Court set this status hearing for the filing of bond.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need bond of \$95,415.10 or written status report pursuant to Local Rule 7.5.</p>	
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
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Pers.Serv.			
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Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 10/16/15	
		Updates:	
		Recommendation:	
		File 10 – Walters	

Attorney **Pacella, Louis (of Calabasas, CA, for Joseph Cauwels – Beneficiary – Petitioner)**
Attorney **Teixeira, J. Stanley (for Pamela S. Jackson and Naomi C. Wright – Objectors)**
Verified Petition for Order Concerning the Internal Affairs of Trust and Action for
Breach of Trust [Prob. Code §§ 17200(b)(1)-(7), (8), (12), and 17206]

Francis J. Cauwels DOD: 1/12/15		JOSEPH CAUWELS , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states Settlor Francis J. Cauwels created the trust on 9/30/02 and executed an amendment and restatement on 3/10/04 (the First Amendment). On 12/19/14, Settlor allegedly executed the amendment that is the subject of this petition, radically changing the entirety of his estate plan shortly before his death on 1/12/15 (the Alleged Amendment).	Continued from 8/3/15. The following issues remain noted:
Cont. from 080315			1. Petitioner refers the Court to various doctor's statements and notes that are not provided. The Court may require copies for reference.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		2. Need proposed order. See Local Rule 7.1.1.F and 7.6.1.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		w/o
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Petitioner is informed and believes that the assets of the trust include two residential properties in Kingsburg, CA, as well as cash and investments.	
		SEE ADDITIONAL PAGES	
			Reviewed by: skc
			Reviewed on: 10/16/15
			Updates:
			Recommendation:
			File 11 – Cauwels

Petitioner states: In the original trust created 9/30/02, excluding specific gifts, Settlor left 55% of his assets to Petitioner with the remainder split between his three other children, Respondents Naomi Wright, and Pamela Jackson, and John Cauwels. The only substantive change in the First Amendment was the retention of John Cauwels' share in trust.

In October of 2014, Pamela and Naomi teamed up to execute a scheme to alter and amend Settlor's estate plan. At Naomi's initial request, Settlor was evaluated by a Dr. Kumari Iyer who declared him incapable of making legal or financial decisions (*not attached*). Shortly thereafter, Settlor's health deteriorated to the point where he required admission to the VA Central Health Care Home in Fresno.

On 11/30/14, Petitioners created a fill-in-the-blank form letter as Settlor's "attorney-in-fact," instructing all third parties, including Petitioner, that they could no longer visit Settlor in the hospital (Exhibit D). Respondents misrepresented to VA hospital staff that Petitioner was a threat to Settlor's health and safety, prompting the latter to deny Petitioner access to see his father during the waning moments of his life. Respondents justified their actions by stating that three physicians had stated that Settlor no longer had mental capacity.

Respondents then began a practice of manipulation and undue influence by telling Settlor that Petitioner intended to sell and destroy all of his assets, leaving them with nothing, and hired an attorney to come to the VA hospital for the purpose of amending the trust.

On 12/19/14, approx. two (2) weeks after Respondents represented that Settlor lacked mental capacity, and while still a resident at the VA hospital, Settlor purportedly executed the Alleged Amendment, drastically altering the terms of the trust and removing Petitioner as a successor co-trustee.

Settlor died 1/12/15, less than a month after the Alleged Amendment was executed, and on 2/9/15, Petitioner received notice under Probate Code §16061.7.

Shortly thereafter, Petitioner received a 60 day notice to vacate the real property in which he has resided for nearly all of his life.

As a result of Respondents' persistent and pervasive manipulation and undue influence, Settlor altered his trust in a manner than he would not have otherwise intended.

SEE ADDITIONAL PAGES

Page 3

Petitioner provides legal argument and states the settlor was incapacitated as defined *per se* by Paragraph 8.6(a) of the trust. Further, the Alleged Amendment is complex in nature, requiring a heightened degree of mental capacity that Settlor simply did not have. Although the design of the Alleged Amendment seemingly grants Petitioner and John the ability to reside in their respective properties for the term of their lives, any such right of occupancy is eroded by multiple and convoluted subsections of discretionary trustee authority. Respondents have demonstrated their intent to evict Petitioner and John by way of their 60 day notice, something not likely considered or discussed with Settlor.

Given its complexity, it is without question that a heightened degree of mental capacity was necessary than that held by Settlor at the time of its execution.

Petitioner states Settlor was deemed incapacitated prior to execution of the Alleged Amendment, with reference to a letter from Dr. Kumari Iyer that read, in part, that Settlor was "not capable of making legal or financial decisions." The opinion of Dr. Iyer, combined with the definition of incapacity in Paragraph 8.6(a) of the trust (see First Amendment Page 25), establish that Settlor lacked capacity to legally execute the Alleged Amendment.

Petitioner states Respondents unduly influenced Settlor by misrepresenting Petitioner's intentions regarding the assets of the trust, and represented to hospital staff that Petitioner was trying to take advantage of the trust. Such statements are found in the Progress Notes of Dr. Neil A. Smith for December 17, 2014, attached as Exhibit F.

Examiner's Note: Exhibit F is the 60-day Notice to Quit. Progress Notes do not appear to be attached.

Petitioner states Respondents have acted only for their own personal benefit and should be removed as Successor Trustees, and the Alleged Amendment should be set aside as Settlor lacked mental capacity and was unduly influenced.

Petitioner requests the following:

- 1. An order confirming that Petitioner is a successor trustee of the trust;**
- 2. An order determining that the First Amendment is valid and enforceable;**
- 3. An order determining that the Alleged Amendment is invalid and unenforceable;**
- 4. An order restraining Respondents from exercising any powers or privileges as successor trustee;**
- 5. An order compelling Respondents to account for any trust assets collected or received as successor trustees.**

SEE ADDITIONAL PAGES

Response and Objection filed 7/31/15 by Respondents Pamela S. Jackson and Naomi S. Wright states prior to the execution of the amendment, which was prepared by the Settlor's attorney, Francis J. Cauwels was evaluated as to his capacity. The examining psychiatrist determined that he had capacity to amend his trust. A copy of the evaluation progress notes is attached.

Petitioner alleges that the amendment is "complex and convoluted." The original trust directs that the property is to go to the settlor's children in joint tenancy and not as tenants in common. The apparently underlying intent is that the property is to remain with family members as long as possible with the property passing to surviving tenants rather than possibly being willed to other parties as may occur with tenants in common. The 2014 amendment reinforces the settlor's original intent that the real property remain with family as long as possible.

What may be new, but not unreasonable, is the amendment's express power of the trustee to restrict occupation of the premises to family members. Petitioner also alleges that the amendment eliminated outright distribution to him. As already noted, neither the original trust instrument nor the amendment provides for outright distribution. The real property was always intended for the settlor's children together.

Respondents have acted in good faith and have not acted in any way to deny Petitioner any of his rights as beneficiary of the Cauwels Revocable Living Trust.

12

Cydney Thomas, Arian Huffman,

Case No. 15CEPR00827

Hayden Reynolds, Gage Reynolds, and Jackson Reynolds (GUARD/P)

Petitioner

Thomas, Sandra E. (Pro Per – Maternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person

	See petition for details.		NEEDS/PROBLEMS/COMMENTS:
			1. Need Notice of Hearing.
			2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:
			- Cydney Thomas (Minor)
			- Arian Huffman (Minor)
			- Matthew Richmond (Cydney's Father)
			- Christopher Huffman (Arian's father)
			- John Wayne Reynolds (Father of Hayden, Gage and Jackson)
			3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:
			- Wayne Richmond (Cydney's paternal grandfather)
			- Linda Richmond (Cydney's paternal grandmother)
			- Elmer Huffman (Arian's paternal grandfather)
			- Loretta Fleming (Arian's paternal grandmother)
			- Paternal grandfather of Hayden, Gage and Jackson
			- Clydene Ohanlan (Paternal grandmother of Hayden, Gage and Jackson)
			- Morris Thomas (Maternal Grandfather)
			Reviewed by: skc
			Reviewed on: 10/16/15
			Updates: 10/20/15
			Recommendation:
			File 12 – Thomas/Huffman/Reynolds
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

13 Stacy Sanchez, Nadine Sanchez, & Fabian Quiroz, JR (GUARD/P)

Case No. 15CEPR00831

Petitioner Cristilde N. Gutierrez (Pro Per)

Petition for Appointment of Guardian of the Person

<p align="center">NO TEMPORARY REQUESTED</p> <p>CRISTILDE N. GUTIERREZ, maternal aunt, is Petitioner.</p> <p align="center">~Please see Petition for details~</p> <p>Court Investigator's Report was filed on 10/13/2015.</p>			<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • Fabian Quiroz, father; • Father of Stacy; • Father of Nadine. 3. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • paternal grandparents of Stacy; • paternal grandparents of Nadine; • paternal grandfather of Fabian; • Mary Santiago, maternal grandmother; • Gustavo Sanchez, maternal grandfather, if Court does not find due diligence per Declaration filed 8/25/2015 stating he was deported in June 2015 and his whereabouts are unknown. 																																																																					
<p>Cont. from</p> <table border="1"> <tr> <td></td> <td>Aff.Sub.Wit.</td> <td></td> </tr> <tr> <td>✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td></td> <td>Notice of Hrg</td> <td>X</td> </tr> <tr> <td></td> <td>Aff.Mail</td> <td>X</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td>X</td> </tr> <tr> <td>✓</td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td>✓</td> <td>Letters</td> <td></td> </tr> <tr> <td>✓</td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td>✓</td> <td>CI Report</td> <td></td> </tr> <tr> <td>✓</td> <td>Clearances</td> <td></td> </tr> <tr> <td>✓</td> <td>Order</td> <td></td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td>✓</td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>				Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg	X		Aff.Mail	X		Aff.Pub.			Sp.Ntc.			Pers.Serv.	X	✓	Conf. Screen		✓	Letters		✓	Duties/Supp			Objections			Video Receipt		✓	CI Report		✓	Clearances		✓	Order			Aff. Posting			Status Rpt		✓	UCCJEA			Citation			FTB Notice		<p>Reviewed by: LEG</p> <p>Reviewed on: 10/19/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Sanchez/Quiroz</p>
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Spousal or Domestic Partner Property Petition

DOD: 05/16/08		LARRY CHAMBERS , surviving spouse, is Petitioner. No other proceedings. Decedent died intestate. Petitioner states – no statement or information provided. Petitioner requests Court confirmation that ½ interest in real property located at 13506 W. Kearney Blvd., Kerman, passes to him.	NEEDS/PROBLEMS/COMMENTS: 1. The Petition does not provide any information regarding decedent's marriage to Petitioner. Need more information. (We were married on ____ and remained married until the decedent's death. The property was acquired during the marriage, etc.) 2. The Petition is not marked at item 5(a)(2) re: issue of a predeceased child or no issue of a predeceased child. 3. Need Order.
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 10/16/15
			Updates:
			Recommendation:
			File 14 – Chambers

15 Tommy W. H Fong (Estate) Case No. 15CEPR00891Attorney **Webb, Melissa E. (of Visalia, Ca. for Shirley Bo Sim Fong – Petitioner – Surviving Spouse)****Petition for Probate of Will and for Letters Testamentary with IAEA**

DOD: 05/04/2015	SHIRLEY BO SIM FONG , surviving spouse/named executor without bond, is petitioner.		NEEDS/PROBLEMS/COMMENTS:					
	Full IAEA – o.k.							
Cont. from	Will dated: 08/03/2007		Note: If the petition is granted status hearings will be set as follows:					
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno							
<input checked="" type="checkbox"/> Verified	Publication: The Business Journal		<ul style="list-style-type: none"> • Monday, 03/28/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Monday, 01/09/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. 					
<input type="checkbox"/> Inventory	Estimated value of the Estate:							
<input type="checkbox"/> PTC	Personal property - \$159,000.00		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.					
<input type="checkbox"/> Not.Cred.	Probate Referee: Rick Smith							
<input checked="" type="checkbox"/> Notice of Hrg			<table border="1"> <tr><td>Reviewed by: LV</td></tr> <tr><td>Reviewed on: 10/16/2015</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation: Submitted</td></tr> <tr><td>File 15 – Fong</td></tr> </table>	Reviewed by: LV	Reviewed on: 10/16/2015	Updates:	Recommendation: Submitted	File 15 – Fong
Reviewed by: LV								
Reviewed on: 10/16/2015								
Updates:								
Recommendation: Submitted								
File 15 – Fong								
<input checked="" type="checkbox"/> Aff.Mail	w/							
<input type="checkbox"/> Aff.Pub.								
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<input type="checkbox"/> Pers.Serv.								
<input type="checkbox"/> Conf. Screen								
<input checked="" type="checkbox"/> Letters								
<input checked="" type="checkbox"/> Duties/Supp								
<input type="checkbox"/> Objections								
<input type="checkbox"/> Video Receipt								
<input type="checkbox"/> CI Report								
<input type="checkbox"/> 9202								
<input checked="" type="checkbox"/> Order								
<input type="checkbox"/> Aff. Posting								
<input type="checkbox"/> Status Rpt								
<input type="checkbox"/> UCCJEA								
<input type="checkbox"/> Citation								
<input type="checkbox"/> FTB Notice								

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer
under the Independent Administration of Estates Act**

DOD: 9/4/15		PHYLLIS VIEIRA , Daughter and Third Named Executor without bond, is Petitioner and requests appointment as Executor with Full IAEA without bond.	NEEDS/PROBLEMS/COMMENTS:
			Note: A competing petition filed by Sharron Y. Warehime filed 9/22/15 is set for hearing on 11/3/15.
	Aff.Sub.Wit.	S/P	Full IAEA – ok
✓	Verified		
	Inventory		Will dated 8/8/05
	PTC		
	Not.Cred.		Residence: Selma, CA Publication: Selma Enterprise
✓	Notice of Hrg		
✓	Aff.Mail	w	Estimated value of estate: Personal property: \$ 500.00 Real property: \$180,000.00 Total: \$180,500.00
✓	Aff.Pub.		
	Sp.Ntc.		Probate Referee: Rick Smith
	Pers.Serv.		
	Conf. Screen		Objection filed 9/22/15 by Sharron Warehime, Daughter, states she is the first nominated executor in the decedent's will dated 8/12/09 and has been handling the decedent's business affairs and health care through a power of attorney since 5/9/08. She has not been contacted by her sister or the attorney about whether or not she would decline to act, which would then be proper grounds for Phyllis to petition. Objector has filed herewith her own petition asserting right to letters testamentary. Further, it is also their sister Kaye Prather's desire that their father's wishes be respected and that Objector be appointed executor. Objector prays that letters testamentary not be granted to Petitioner Phyllis Vieira.
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Note: If granted, the Court will set status hearings for the filing of the Inventory and Appraisal and First Account or Petition for Final Distribution. At this time, it does not appear the petition is in a condition to be granted; therefore, status dates will be provided once issues are cured, if appropriate.
			Reviewed by: skc
			Reviewed on: 10/19/15
			Updates:
			Recommendation:
			File 16 – Prather

Petition for Probate of Lost or Destroyed Will and for Letters Testamentary; Authorization to Administer Under the Independent Administration of Estates Act

DOD:			NEEDS/PROBLEMS/COMMENTS: <div> <div>OFF CALENDAR</div> <div>Amended Petition filed 10/9/15 is set for hearing on 11/30/15</div> </div>	
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 10/19/15
				Updates:
				Recommendation:
		File 17 – Bell		

Petition to Determine Succession to Real Property (Prob. Code §13150)

DOD: 7/21/15		MARIA ELENA RODRIGUEZ , Spouse and Trustee of the Rodriguez Family Revocable Trust dated 2/5/09, is Petitioner. 40 days since DOD No other proceedings I&A: \$65,000.00 (Decedent's 50% community property interest in certain real property located at 765 E. Brown in Fresno) Will dated 2/5/09 devises the entire estate to the Rodriguez Family Revocable Trust. Petitioner requests Court determination that the decedent's interest in the real property passes to the trust pursuant to the decedent's will.	NEEDS/PROBLEMS/COMMENTS: 1. Need trustee declaration pursuant to Local Rule 7.12.5.	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/o
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 10/19/15	
			Updates:	
			Recommendation:	
			File 18 – Rodriguez	

Petitioner Cynthia Cruz (Pro Per)

Petition for Appointment of Probate Conservator

NO TEMPORARY REQUESTED		NEEDS/PROBLEMS/COMMENTS:
<p>CYNTHIA CRUZ, daughter, is Petitioner and requests appointment as Conservator of the Person.</p> <p><i>~Please see Petition for details~</i></p> <p>Court Investigator's Report was filed on 10/19/2015.</p>		<p>1. Need <i>Notice of Hearing</i> and proof of service by mail of the notice with a copy of the <i>Petition for Appointment of Probate Conservator</i> showing notice was mailed at least 15 days before the hearing pursuant to Probate Code § 1822 for JAIME CRUZ, the person named in Item 11 of the <i>Petition</i> pursuant to Probate Code § 1822(b)(2). Further, Item 11 does not list the relationship to the proposed Conservatee of JAIME CRUZ.</p> <p>2. Need <i>Citation for Conservatorship</i> pursuant to Probate Code § 1823, and proof of personal service of the <i>Citation</i> on the proposed Conservatee with a copy of the <i>Petition for Appointment of Probate Conservator</i> pursuant to Probate Code § 1824.</p> <p>3. <i>Petition</i> is not marked at Item 1(g) for authorization of medical consent powers; however, Item 9 of the <i>Petition</i> is marked to request medical consent powers. If Petitioner is requesting medical consent powers, need <i>Medical Capacity Declaration</i> (Judicial Council form GC-335) in support of Petitioner's request pursuant to Probate Code § 1890(c). <i>~Please see additional page~</i></p>
<p>Cont. from</p> <p><input type="checkbox"/> Aff.Sub.Wit.</p> <p><input checked="" type="checkbox"/> Verified</p> <p><input type="checkbox"/> Inventory</p> <p><input type="checkbox"/> PTC</p> <p><input type="checkbox"/> Not.Cred.</p> <p><input type="checkbox"/> Notice of Hrg <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> Aff.Mail <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> Aff.Pub.</p> <p><input type="checkbox"/> Sp.Ntc.</p> <p><input type="checkbox"/> Pers.Serv. <input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/> Conf. Screen</p> <p><input checked="" type="checkbox"/> Letters</p> <p><input checked="" type="checkbox"/> Duties/Supp</p> <p><input type="checkbox"/> Objections</p> <p><input type="checkbox"/> Video Receipt</p> <p><input checked="" type="checkbox"/> CI Report</p> <p><input type="checkbox"/> 9202</p> <p><input checked="" type="checkbox"/> Order</p> <p><input type="checkbox"/> Aff. Posting</p> <p><input type="checkbox"/> Status Rpt</p> <p><input type="checkbox"/> UCCJEA</p> <p><input type="checkbox"/> Citation <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> FTB Notice</p>		
Reviewed by: LEG		
Reviewed on: 10/19/15		
Updates:		
Recommendation:		
File 19 – Cruz		

NEEDS/PROBLEMS/COMMENTS, continued:

4. *Petition* is not marked at Item 1 (k) requesting dementia powers; however, the proposed order and letters are marked to grant dementia powers. If dementia powers are requested, need the mandatory *Attachment Requesting Special Orders Regarding Dementia* (Judicial Council form GC-313.)
5. *Petition* is marked at Item 1 (d) requesting 2590 powers; however, the *Petition* does not request appointment of conservator of the estate. Further, Petitioner requests to have the proposed Conservatee's possessions, which is only authorized for a conservator of the estate. If Petitioner seeks this power and authority, need amended petition for appointment of probate conservator of the person and estate.
6. Need *Conservatorship Video Viewing Certificate* pursuant to Local Rule 7.15.9(A). Petitioner (s) can visit the Court's website @ <http://www.fresno.courts.ca.gov/Probate/conservatorship> which provides a link to view the video and printable receipt for viewing (by each Petitioner) that must be filed with the Court.

Petitioner: Jerri Mae Toews (pro per)

Objector: Laura Abell (pro per)

Objector: Doreese Dee Loyd (pro per)

Petition for Appointment of Probate Conservator

		<p>There is no temporary. Temporary was denied.</p> <p>JERRI MAE TOEWS, daughter, is petitioner</p> <p>Please see petition for details.</p> <p>Court Investigator report filed on 10/20/15</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 10/6/15.</p> <ol style="list-style-type: none"> Petition is incomplete at #1. #1a. requests the Public Guardian be appointed as conservator of the person but #1b is blank as to conservator of the estate. It appears that petitioner is requesting appointment of the Public Guardian as conservator of the person and estate. Probate Code §1821 requires all relatives within the second degree to be listed. Petition lists proposed conservatee's two daughters. Does the proposed conservatee have, parents still living, grandchildren or siblings? If so, they all need to be listed at #11 of the petition and notified of the hearing. Need Notice of Hearing. Need proof of service of the Notice of Hearing along with a copy of the Petition on: <ol style="list-style-type: none"> Laura Abell (daughter) Doreese Dee Loyd (daughter) Public Guardian (proposed conservator) All other relatives within the 2nd degree. Need Citation <p>Please see additional page</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.	X		
<input type="checkbox"/>	Conf. Screen	N/A		
<input type="checkbox"/>	Letters	X		
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt	N/A		
<input type="checkbox"/>	CI Report	X		
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation	X		
<input type="checkbox"/>	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 10/20/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20 – Everitt</p>	

NEEDS/PROBLEMS/COMMENTS (Cont.):

6. Need proof of personal service of the Citation along with a copy of the Petition on Jacquelyn Everitt (proposed conservatee)
7. Order is incomplete (completely blank) Need new order.
8. Need Letters.

Attorney
Petitioner

Brungess, Julia A. (for Darleen Veter and Mark Veter)
Potter, Tammy (Pro Per Petitioner)

Petition for Appointment of Temporary Guardian of the Person

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Per Minute Order</i> dated 10/13/2015</p>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		<p>Reviewed by: LEG</p> <p>Reviewed on: 10/19/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21 – Roesing</p>

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need revised Letters. Letters should include both Petitioners with both signatures on the same form.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 10/19/15	
			Updates: 10/20/15	
			Recommendation:	
			File 22 – Savala	

Petition for Appointment of Temporary Guardian of the Person and Estate

See petition for details.			NEEDS/PROBLEMS/COMMENTS: 1. Local Rule 7.15.5 requires separate petitions for guardianship of the estate of more than one minor. 2. Need Notice of Hearing. 3. Need proof of personal service of Notice of Hearing with a copy of this temp petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Bobby Avila (Minor) - Margie Ann Garcia (Mother)
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 10/20/15
			Updates:
			Recommendation:
			File 23 – Avila

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 10/19/15:</u> Examiner Notes provided in open court. The Court indicates that if the paperwork is not in order on 10/26/15 it will consider terminating the temporary orders. As of 10/20/15, nothing further has been filed. The following issues remain: 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition per Probate Code §1511 at least 15 days prior to the hearing or consent and waiver of notice on: - Thurman Ligon (Father) - Laquandra Kinchen Ligon (Mother) 3. Need proof of service of Notice of Hearing with a copy of the petition per Probate Code §1511 at least 15 days prior to the hearing or consent and waiver of notice or declaration of due diligence on: - Paternal Grandmother - Maternal Grandfather Nick Kinchen - Maternal Grandmother Cassandra Miles - Siblings age 12 or older	
Cont. from 061515, 072715, 083115, 101915				
<input type="checkbox"/>	Aff.Sub.Wit.			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Verified			<input type="checkbox"/>
<input type="checkbox"/>	Inventory			<input type="checkbox"/>
<input type="checkbox"/>	PTC			<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.			<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Mail			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.			<input type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.			<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Conf. Screen			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Letters			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Duties/Supp			<input type="checkbox"/>
<input type="checkbox"/>	Objections			<input type="checkbox"/>
<input type="checkbox"/>	Video Receipt			<input type="checkbox"/>
<input type="checkbox"/>	DSS Report			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Clearances			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Order			<input type="checkbox"/>
<input type="checkbox"/>	Aff. Posting			<input type="checkbox"/>
<input type="checkbox"/>	Status Rpt			<input type="checkbox"/>
<input checked="" type="checkbox"/>	UCCJEA			<input type="checkbox"/>
<input type="checkbox"/>	Citation			<input type="checkbox"/>
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		
			Reviewed by: skc	
			Reviewed on: 10/20/15	
			Updates:	
			Recommendation:	
			File 24 - Ligon	